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**Abstract**

*Child trafficking is a contemporary form of slave trade. Slave trade, a practice that has been abolished in all countries worldwide has resurfaced in the form of child trafficking, the system changing from forced abduction in the slave trade practice as a result of wars and raids to a system of deception and false promise to vulnerable persons in trafficking. The end result of both practices is that the victims are exploited, their rights violated, and the relocation from a place which the victim is familiar with, to another which the victim is not. Child trafficking is transnational in nature because of the involvement of organized syndicates who specialize in trading children from one country to another. Trafficking in children has become a global business, giving huge profit for traffickers and organized syndicates, generating massive human rights violation and causing serious problem for governments. Today, trafficking is one of the major concerns of both government and organization active in the migration field and it is a priority for persons working in the area of human rights, health, law enforcement agents and social service. This article addresses child trafficking for purposes of prostitution and child domestic work as a crime cutting across local and international borders, examines its nature, causes, effects and the global efforts to suppress it.*

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\* Professor Oluyemisi Bamgbose. Professor of Criminal Law and Criminology, Faculty of Law, University of Ibadan, Ibadan. Nigeria. [oluyemisibamgbose@hotmail.com](mailto:oluyemisibamgbose@hotmail.com)

## 1.0 Introduction

Child trafficking is a contemporary form of slave trade. Slave trade, a practice that has been abolished in all countries world wide resurfaced in the form of child trafficking. The system changing from forced abduction in the slave trade practice as a result of wars and raids to a system of deception and false promise to vulnerable persons in trafficking. The end result of both practices is that the victims are exploited, their rights violated, and the relocation from a place which the victim is familiar to, to another which the victim is not.

Child trafficking is trans-border in nature because of the involvement of organized syndicates who specialize in trading children from one city to another and from one country to another.

People move for various reasons. These include economic, social, religious and personal. According to experts, these reasons can be categorized into push and pull factors. A migration theory suggests that circumstance at the place of origin (such as poverty and unemployment) repel or push people out of that place to another place that exert a positive attraction or pull.<sup>1</sup>

Migration is not a new thing. Migration may not be of choice but an economic necessity or may be out of compulsion. This is referred to as forced migration. Children are trafficked because they are promised a better life or out of compulsion by their parents to go. They are then controlled and exploited after being transported to a new location often beyond the borders of their homeland.

Child trafficking involves controlling and exploiting children after transporting them to a new location often beyond the borders of their homeland. In this modern form of slavery, traffickers use threat, force, intimidation and violence to break their victims' will and resistance.

Trafficking in children has become a global business, reaping huge profit for traffickers and organized syndicates, generating massive

<sup>1</sup> "Managing Migration: The Global Challenge" *Population Bulletin Vol 1, 63, No 1, March 2008* Population Reference Bureau

human rights violation and causing serious problem for governments. Today, trafficking is one of the major concerns of both government and organization active in the migration field and it is a priority for persons working in the area of human rights, health, law enforcement agents and social service.

This article addresses the trans-border crime of child trafficking, particularly in relation to prostitution and child domestic work, the nature, causes, effects, and global efforts to suppress it.

## 2.0 Migration and Child Trafficking

There is a relationship between migration and trafficking. Migration is not an undesirable phenomenon but a complex one which is intricately tied with all aspects of human endeavor. Migration implies the crossing of a boundary and essentially involves movement across time and space. Economic reasons play a dominant role in stimulating migration.<sup>2</sup> Migration does not exist in vacuum. It is accompanied by changes in various facet of the society and it brings about changes in a person's physical, social, health, economic and psychological conditions. It should be noted that not all decisions to move are usually voluntary. There are forced or voluntary migrants who move for various reasons. Children, by leaving the safety net of the family, village or hometown where family members and neighbors contribute to the care of each other's needs, face the possibility of exploitation and violation of their rights.

## 3.0 Child Trafficking: Definition of Terms

The issue of human trafficking became a matter of global concern by the last decade of the twentieth century. The term trafficking has been in use as early as the mid fourteenth century. At that time, it was used to describe traders going about their legitimate business. By the end of the century, the term had become associated with dealing in illicit or illegal

<sup>2</sup>Tudor, MP (1969) "A model of labor migration and urban unemployment in less. Developed countries", *American Economic Review*, 59: 138-48. ...

goods. This was initially with reference to drugs and weapons. It was towards the end of the nineteenth century that the term came into usage to refer to the illicit trade in human beings and their displacement across borders within a country.

### 3.1 Trafficking

Trafficking consist in action, when offenders gain control of victims by coercive or deceptive means, or by exploiting relationship like those between parents and children in which one party has relatively little power or influence and is therefore vulnerable to trafficking. The term exploitation includes at a minimum, the exploitations of the position of others or other forms of sexual exploitation, forced labor or service or slavery or practices similar to slavery, servitude or the removal of organs. The issue of trafficking in particular preys the vulnerability of young women and children in developing countries.

Child Trafficking is one of the most vicious forms of violence and crime against children. It involves the removal of children from their family surroundings to face alien and dangerous situations. Trafficking in children occurs for the purpose of child prostitution, child labor, and illegal/ false marriage. According to a UNICEF report, it is said that the huge illegal sex trade in children which include prostitution, pornography and trafficking for labor and sexual purposes is currently believed to involve worldwide about two million children under the age of sixteen. Girls constitute the majority of the victims. 90 percent of trafficked victims are girls.<sup>3</sup> In Nigeria, about 10,000 victims are trafficked annually.<sup>4</sup>

For the purpose of this work, the definition of trafficking in persons provided in the Optional Protocol to the United Nations Convention on Transnational Organized crime is adopted. Nigeria

<sup>3</sup> Child Trafficking

[http://www.unicef.org/protection/index\\_exploitation.html](http://www.unicef.org/protection/index_exploitation.html). Retrieved June 20 2008

<sup>4</sup> *Daily Champion* August 18, 2006 "Nigeria-Evils of Human Trafficking" By Ekemini Yemi-Ladejobi

signed this Protocol on 13 December 2000 and ratified it on 28 June 2001. The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, (hereinafter referred to as **The Protocol**) was adopted by A/Res/55/25 on 15 November 2000 and entered into force on 25 December 2003. Article 3 (a) of the Protocol defines trafficking as

*the recruitments, transportation, transfer, laboring or receipt of persons by means of a threat or use of force, or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of position of vulnerability or of the giving or receiving of payment or benefits to achieve the consent of a person having control over another person for the purpose of exploitation.*

*With regard to the child, trafficking is recruiting the child by any means either by threat, force, fraud, abduction or deception for the purpose of exploitation either as domestic help or prostitution*

### 3.2 Child

On the definition of a child, the 1999 Constitution of the Federal Republic of Nigeria<sup>5</sup> does not define who a child is, but provides that the age of majority is 18 years. However, the debate on the concise definition of a child has been laid to rest with the enactment of the Child's Right Act in Nigeria<sup>6</sup>. Under this Act, a child is any person under the age of eighteen years. This is in line with the definition of a child in the Protocol and with two major international Conventions that have set age limits for childhood. These are the International Labor Organization Minimum Age Convention (1973)<sup>7</sup> that set an age limit for work engaged by children and the United Nations Convention on the

<sup>5</sup> Constitution of the Federal Republic of Nigeria 1999

<sup>6</sup> Child's Right Act No 6 (2003)

<sup>7</sup> C138 Minimum Age Convention, 1973 Convention concerning Minimum Age for Admission to Employment. Adopted on 26:06:1973. It came into force on 19:06:1976

Rights of the Child (1989)<sup>8</sup> that defines a child as a person below the age of eighteen years of age.

It is estimated that there are about 64 million children in Nigeria of the estimated 123.4 million people.<sup>9</sup>

There is a great concern for the increasing number of children being trafficked either for prostitution or housework.

There have also been different arguments on the use of children for labor. To a certain extent, it is agreed that not all works engaged by children should be condemned. This is especially true in the African traditional setting where the role of children helping their parents can form an integral part of the process of socialization so far it is not injurious to the child's health. There is a process of socialization under the African culture, whereby children, usually from rural areas are taken to urban cities to live with wealthier family members with a hope of a better life. This process has however been bastardized. This form of social responsibility has become an avenue for trafficking to use children for economic gain and a state of hopelessness for such children:

#### 4.0 Child Trafficking: The Nigerian Situation

It has been difficult obtaining accurate statistics on the trafficking situation in Africa because of the nature of the illicit trade.<sup>10</sup> However, in Africa, it is estimated that over five hundred thousand persons have been trafficked while in Nigeria alone, over eight thousand, six hundred and thirty three trafficked persons have been deported back to the country

<sup>8</sup> United Nations Convention on the Rights of the Child (1989). U.N. General Assembly Document A/RES/44/25 (12 December 1989)

<sup>9</sup> P. O. Sebago. Profile on Child Trafficking in Nigeria. [http://www.ispcan.org/documents/childtrafficking\\_Nigeriaoutline.pdf](http://www.ispcan.org/documents/childtrafficking_Nigeriaoutline.pdf) retrieved 20 April 2008

<sup>10</sup> Supra. See Note 4

between 1999 and 2001.<sup>11</sup> This figure represents only those deported and excludes those still in their destination countries and those who have died in transit. Quoting a recent UNICEF report on the phenomenon, it is said that four per cent of repatriated victims of international trafficking in Nigeria are children. The female/male ratio is seven to three.<sup>12</sup> In 2001, the Nigerian Ambassador in Italy reported that there are about ten thousand Nigerian prostitutes in Italy<sup>13</sup>. The recurrent civil and religious unrest in some parts of the country and gross economic disparity that characterize Nigeria have contributed to the push factor resulting in many young one having false dreams of stability and prosperity abroad.

#### 4.1 Different Faces of Child Trafficking in Nigeria

In Nigeria, the dimensions and categorization of child trafficking continue to multiply. Basically, there are two forms of trafficking.

##### 4.1.1 External Trafficking

This involves trafficking of the child across the Nigeria borders usually for the purposes of domestic help and prostitution. These Children are usually trafficked outside the borders of Nigeria into other African countries such as Benin, Gabon Cote D'Ivoire, Cameroon, to European countries particularly Italy, Germany, Spain, Belgium and the United Kingdom and to the Middle East particularly to Saudi Arabia and Libya for purposes of sexual exploitation.<sup>14</sup>

<sup>11</sup> Juliet, Ume -Ezeoke,. (2003) Desk Review for the Programme of Action against Trafficking in Minors and Women from Nigeria into Italy for Sexual Exploitation UNICRI/UNODC

<sup>12</sup> Yemi-Ladejobi Ekemini Nigeria - Evils of Human Trafficking Daily Champion (Lagos) August 18, 2006 <http://allafrica.com/stories/printable/200608180588.htm> Retrieved May 16 2008

<sup>13</sup> Supra. See Note 11

<sup>14</sup> Olateru Olagbegi O. "The Current Trends in the Trafficking of Nigerian Children: Factors and Issues" Women Construction of Nigeria (WOCON): 14 October 2003.

#### 4.1.2 Internal Trafficking

Children are trafficked from rural communities to urban cities within Nigeria for forced labor such as domestic service, hawking, shop attendants and most times prostitution. The condition of labor is in most cases exploitative and slave like. The trend in Nigeria in recent times is for middle and high class households to have domestic helps usually between the ages of eight and eighteen years. These children usually girls (that is not to say that boys are excluded) are subjected to about twelve to eighteen hours of household work ranging from care of other children, to cooking and household chores. These child domestic helps are usually poorly treated, deprived of education and they face all forms of abuse. The wage for the service is usually handed over to the traffickers. The mode of recruitment of trafficked children into exploitative labor differs from one form to another.

Traffickers in certain cases work in connivance with the parents or guardian of the trafficked child. The parent or guardians are usually deceived by promise of a better life for the child, or they may have been forced to give up the child for labor for so many reasons.<sup>15</sup> In other cases, children are either kidnapped and coerced away from home or tricked into forced labor. It is also not uncommon for children to seek out traffickers on their own because of curiosity for city life or lack of opportunities. It is the trend in Nigeria, for the traffickers to receive a lump sum from the masters or mistresses of the trafficked child as advanced payment for the services to be rendered by the trafficked child. This lump payment covering a few months or years of the child's service puts the child in bondage of slavery for such period.<sup>16</sup>

<sup>15</sup> Akpabio, Regina (2005) "Bursting the new Hood of an old Evil" The Guardian, Tuesday, October 4, 2005

<sup>16</sup> Uwais, Maryam "Law and Human Right: Building A Protective Environment for Children Survival and Well-being." Vanguard Newspaper, Friday, December 26, 2003; See also Effah Josephine "Modernized Slavery: Child Trade in Nigeria" Constitutional Rights Project (CRP) 1996: 35

Apart from the two basic form of trafficking, in recent times, other dimensions to trafficking have been noted to be emerging in Nigeria. These two forms are highlighted below

#### 4.1.3 Sale of Babies and Illegal / False Adoption

This new face of child trafficking involves unmarried young girls who get pregnant or are encouraged to get pregnant. They then collude with "nurses" or "doctors" in illegal hospitals, who falsely and illegally give up the babies for adoption, but in fact, sell the babies to families unable to have their own children, or to traffickers, who take the children outside the country and sell them. What happens to these children is not known. It has been alleged that at times, these babies are sold to juju priests for ritual purposes.

In a report by Ogonnaya,<sup>17</sup>

Nneka a 17 years old secondary school student discovered she was pregnant. She kept the secret away from everybody except a friend at a hospital in Eastern Nigeria that will buy off the baby from her. Before the birth of the baby, she agreed in a written contract to sell the baby to the hospital for N25, 000 (about \$208) if it's a baby girl and N30, 000 (about \$250) if it is baby boy. After the birth of the baby girl, she decided not to go on with the agreement and there was a public outcry which got to the knowledge of the National Agency for the Prohibition of Trafficking in Persons and Other Related Matters (NAPTIP).

In an article titled "Babies Bred for Sale" it was reported thus

"At the hospital in Enugu, a large city in Nigeria's south-east, 20 teenage girls were rescued in May in a police swoop on what

<sup>17</sup>Ogonnaya

<http://antiadoption.wordpress.com/2008/01/23/nigeria-child-trafficking/>  
Nigeria: Child Trafficking - Babies Retrieved April 9 2008

was believed to be one of the largest infant trafficking rings in the West African country"<sup>18</sup>.

The report further went on to state thus

"Neighbours were suspicious of the daytime silence at the maternity clinic that came to life only after nightfall, though never suspected its disquieting secret – it was breeding babies for sale. Police raids have revealed an alleged network of such clinics, dubbed baby "farms" or "factories" The doctor in charge, reportedly lured teenagers with unwanted pregnancies by offering to help with abortion. They would be locked up there until they gave birth, whereupon they would be forced to give up their babies for a token fee of around 20 000 naira (\$170). The babies would then be sold to buyers for anything between 300 000 and 450 000 naira (\$2 500 and \$3 800) each."<sup>19</sup>

In a related report in Liberia, a Non Governmental Agency, The National Child Rights Observation Group (NACROG) accused Liberian orphanages of selling children and also accused some institutions purporting to help orphans of charging huge sums of money for adoption.<sup>20</sup>

#### 4.1.4 Kidnapping

Another trend of child trafficking identified in the south east by NAPTIP is the growing rate of kidnapping of girls who are later sold for between N15,000 (about \$95) to N20,000 (about \$125) to ready buyers as domestic house helps

<sup>18</sup> Babies Bred for Sale <http://www.gvnet.com/humantrafficking/Nigeria.htm> Retrieved 10 December 2008 See also <http://www.mg.co.za/article/2008-11-09-babies-bred-for-sale-in-nigeria> Retrieved 10 December 2008.

<sup>19</sup> Ibid

<sup>20</sup> African News 2006. "Group accuses Liberian orphanages of Child Trafficking" *The Guardian*, Monday February 27, 2006 p. 10

## 5.0 Identified Causes of Child Trafficking

Trafficking of children for whatever reason, flourishes because of a combination of reasons.. According to Afolayan,<sup>21</sup> economic motivation is a primary factor for irregular migration and the continued flourishing of child trafficking. This was confirmed in several other studies.<sup>22</sup> In developing countries especially, poverty has been identified as a root cause, while in developed countries, affluence has been narrowed down as the major cause.<sup>23</sup>

A few of the identified causes are discussed below.

### 5.1 Poverty

According to Adepoju,<sup>24</sup> avoidance of poverty and the desire to improve the economic condition has been identified as reasons for migration and the continued flourishing of child trafficking. Poverty has been identified as one of the major cause of vulnerability to trafficking.<sup>25</sup> The executive Director of NAPTIP, agreed that it is a major cause.<sup>26</sup> Deregulation, privatization, growing class inequality resulting into

<sup>21</sup> Afolayan, A. A (2004). Circulatory migration in West Africa: A Case Study of Ejigbo in Southwestern Nigeria. In Eric Guerassimoff (ed) *Migration Internationales Mobilites et developpement* L' Harmattan, 5-7 rue de l'ecole-Polytechnique 75005 Paris France

<sup>22</sup> Sada, P. O and Adegbola, O "Migration and Urban Development: The Case of Lagos" In *Internal Migration in Nigeria* By Adepoju, A. Proceedings of the Seminar on Internal Migration in Nigeria. University of Ife 1975 pg 187-205 at 194

<sup>23</sup> Anti Slavery International Organization.

[www.antislaveryinternational.org.uk/breakingthesilence/main/briefings/9.%20Slavery%20today.doc](http://www.antislaveryinternational.org.uk/breakingthesilence/main/briefings/9.%20Slavery%20today.doc) Retrieved May 15 2008

<sup>24</sup> Adepoju, Aderanti (1975) Migration, Economic Opportunities and Occupational Mobility: A Case Study in Western Nigeria. Paper presented at the Department of Economics. University of Ife. Nigeria. April 1975; see also Phil, Margaret "Migration and Labor Force participation: A Study of Four Towns" In *Internal Migration in Nigeria* By Adepoju A Proceedings of the Seminar on Internal Migration in Nigeria. University of Ife 1975 pg 206 –233 at 206

<sup>25</sup> Human Trafficking [www.globalmatch.com](http://www.globalmatch.com) retrieved 20 April 2008

<sup>26</sup> Ojukwu, Adeze Sep 21, 06 *Daily Champion* (Lagos) NEWS <http://www.champion-newspapers.com> Retrieved April 20 2008



poverty has compounded economic hardship within the family leading them into more desperate measures. Deteriorating economic conditions still continue to prevail in sending countries of the developing world. As a result the dependency in developing countries keeps increasing.<sup>27</sup>

### 5.2 Globalization

Globalization has definitely played a key role in the fostering of movement of people of all categories from different parts of the world. This has loosened the protective barriers and political boundaries, which organized syndicates, have capitalized on to perpetrate many heinous act of trafficking in human beings. Globalization makes information available and within reach of the common man.

### 5.3 Regional Instability with Open Borders.

African countries generally and Nigeria in particular is a source, transit and destination country for trafficking for commercial exploitation of children and women to Europe for sexual exploitation.

In West Africa, economic liberalization under Economic Community of West African States (ECOWAS) has led to a freeing up of trade in goods and labor across borders leading to a rise in illegal movement of children.

### 5.4 High Demand for Cheap Child Labor

There is a high demand for child labor. This is caused by the increasing number of middle class families in major cities in Nigeria involvement in the work force. This has necessitated the need for domestic helps to take care of the domestic chores and the children. To meet the high demand for child labor is the abundant supply of children from poor families who cannot take adequate care and make provisions for the children within the family.

<sup>27</sup> supra see note 19 Human Trafficking [www.globalmatch.com](http://www.globalmatch.com) retrieved 20 April 2008

<sup>27</sup> Ojukwu, Adeze Sep 21, 06 Daily Champion (Lagos) NEWS <http://www.champion-newspapers.com> Retrieved April 20 2008

### 5.5 The Promise of Better life

Under the tradition of most African countries, placement of children with wealthier families as a means of giving a child a better condition of life was common. This has now turned into a profit making practice. Many families are at times misled, deceived and coerced into giving up their children. In a 1999 magazine report, it was reported that a Nigerian couple took a Nigerian fifteen old girl to New York from Nigeria with a promise of sending her to school. The girl was used and abused for nine years before the law enforcement agents got to know.<sup>28</sup> A daily newspaper in Nigeria reported the arraignment of a man in court after he was arrested for selling a young Nigerian girl in Morocco after failing to take her to Europe as he promised the parents.<sup>29</sup>

According to researches by ILO / IPEC, World Bank and UNICEF, most trafficked children come from families with five or more children.<sup>30</sup> According to these researches, families are generally ignorant of the risks of sending their children to urban areas. Olateru – Olagbegi in a television interview opined that ignorance on the part of the families is a major cause of child trafficking in Nigeria.<sup>31</sup>

In the quest for a better life, children are exposed to the outside world. The effect of globalization, one of which is the expansion of and exposure to internet service has fuelled this. According to a newspaper report, traffickers usually scout around for young girls from poor families, poor villages, usually uneducated, or orphaned or destitute. These categories of children are vulnerable and are easily deceived and

<sup>28</sup> African News 2006. "Group accuses Liberian orphanages of Child Trafficking" *The Guardian*, Monday February 27, 2006 Pg 10

<sup>29</sup> Osunde, Mike 2005 "Agency Arraigns Man over Alleged Sale of Nigerian Girl in Morocco" *The Guardian* Newspaper, Tuesday, May 2005. p 6

<sup>30</sup> ILO – IPEC "Unbearable to the Human Heart: Child Trafficking and Action to Eliminate it" March 2002. International Labor Office (ILO) International Programme on Elimination of Child Labor (IPEC).

<sup>31</sup> Olateru – Olagbegi, B (2005) NTA Network News at 9.00pm, Sunday 29 May, 2005

transported into slavery.<sup>32</sup> The true nature of work the victims are to be engaged in, are never revealed to the families before the children are trafficked and a lot of deception is involved.

### 5.6 High Profiting in Trafficking

Trafficking in children is on the increase because it is claimed to be profitable.<sup>33</sup> According to the immigration magazine, trafficking is said to be the third largest profit generating venture, the first and second being armed and narcotic trafficking. Majekodunmi<sup>34</sup> quoted the Director General of ILO as saying that "ILO statistics reveal that forced labor is a very big business and trafficking in human beings generates an estimated thirty two billion dollars in profit exceeding the Gross Domestic Product (GDP) of over one hundred countries". It is reported, that it is easier to smuggle human cargo than to smuggle drugs or arms. Unlike arms and drugs which are seized at interception, trafficked children are released to their families and upon such release can be re-trafficked.<sup>35</sup> This fact was corroborated by Egua and Ladigbolu.<sup>36</sup>

### 5.7 Low Reportability

Closely linked to the promise for better life, low reportability is another important factor responsible for trafficking. Due to family involvement in many cases, traffickers are protected by the silence of parents and families who do not want to get themselves implicated. Majekodunmi reported that trafficking thrives because of the clandestine nature of the transaction<sup>37</sup>. Yemi-Ladejobi, quoting the Executive Director NAPITIP

<sup>32</sup> *Post Express Newspaper*. "Another Color of Slavery" Sunday, February 25, 2001

<sup>33</sup> Immigration Update: A Zone "E" News Magazine "Human Trafficking: A new wave of Slavery" September, 2002 pg 1

<sup>34</sup> Majekodunmi, Yetunde "ILO Seeks Global Alliance against Forced Labor". *The Guardian Newspaper*, Tuesday, May 17, 2005. p 51.

<sup>35</sup> see note 31

<sup>36</sup> Egua, Horatius and Ladigbolu Remi. "FG Tackles Prostitution" *The Punch*, Thursday, May 18, 2000. Pg 37S

<sup>37</sup> Supra. See note 32

said 'it has been difficult obtaining accurate statistics on the trafficking situation in Africa because of the nature of the illicit trade.'<sup>38</sup> The effect is that there is no reliable data or uniform statistics on child trafficking as noted in the figures below. According to the US State Department between 600,000 and 800,000 women and children are trafficked annually.<sup>39</sup> The United Nations estimated about four million as the total for international and internal trafficking.<sup>40</sup> UNICEF gave an estimate of 1, 200,000.000 persons<sup>41</sup>

Trafficked children along with their families are made to enter into contracts usually in form of repayment of the sum advanced by the trafficker to cover the cost of transportation and other miscellaneous expenses. At times, the trafficked girls or their parents or guardian swear to oaths of secrecy. Trafficked victims who fail to fulfill the terms agreed to with the traffickers (the sum is usually enormous and many poor families never met the terms) are held in bonded slavery until the fulfillment of the obligation.

Another reason for the low reportability of cases of trafficking is the shame that goes along with it. It is a common occurrence that trafficked children who are sexually exploited contract HIV/AIDS and other diseases. The shame of returning to the family coupled with the rejection by the family are factors which make the trafficked victims keep mute about their plight.

The information of the negative consequences of child trafficking rarely reaches the families of victim. The profits from victims to their families (if ever the families receive such monies) are often evidence to belie and negative any filtering information into the villages and to the families.

<sup>38</sup> Supra see Note 4

<sup>39</sup> United States estimate see U.S State Dept (2005) trafficking in Persons Report

<sup>40</sup> United Nations estimate see USAID (February 1999) "Women as Chattel: The Emerging Global Market in Trafficking. *Gender Matters Quarterly No 1*;

<sup>41</sup> UNICEF estimate see <http://unicef.org/sowo6/index.php> State of the Worlds Children: Excluding and Invisible Retrieved May 16 2008

### 6.0 Trafficking: Journey of Hope to Hopelessness

The trans-border journey of the trafficked child starts with so much joy and hope, high expectations, fun, and a better life. Tempted by needs, hopes and dreams, victims of child trafficking embark on a journey with very high hopes with traffickers who are full of promises for a better future for the victims. However, the traffickers, in fact are driven by profit and a will to deceive, exploit and violate the rights of the victims. It is all a fluke.

The end result of the journey is disappointment, exploitation, violation of rights and in some cases loss of life.

Children are trafficked from various States in Nigeria. In particular, Delta, Edo and Cross River States have been noted. It is reported that about 90 percent of the persons trafficked for prostitution are from Edo State.<sup>42</sup> This is not to say that children are not trafficked from other parts of the country Nigeria especially the northern part of the country.<sup>43</sup>

The ordeal of a victim in most cases starts right from the country of origin. Victims are made to undergo certain rites involving administration of oaths of secrecy and other fetish practices in order to keep the victims from revealing the identity of the traffickers and also to enslave them by entering into a form of contract that all monies spent by the trafficker in securing travel documents and for passage are paid back by the victim or the family. Stories of deported victims revealed that some of them were made to swear before juju or voodoo priests in shrines where parts of the body such as pubic hair, finger nails are cut and kept after victims are made to undergo certain rites involving administration of oaths of secrecy and other fetish practices. The Juju and voodoo priests are made to instill fear in victims and to make them

swear that if they do not pay the money which is being advanced by the trafficker back, evil would befall them and their families.<sup>44</sup>

The Nigeria – Republic of Benin –Togo – Ghana - Mali routes are very popular trafficking routes. The journey of the traffickers and the trafficked is so strenuous and hazardous usually through the Sahara desert, with various means of transportation used. These include tortuous foot trek under the scorching sun, camel ride through the dry desert, sailing under hazardous conditions in small boat crammed and overloaded with trafficked children, train ride and sometimes air travel to the final destination. The journeys are usually at night time to avoid law enforcement agents in the transit countries. Kelly in her paper referred to trafficking as a journey of jeopardy.<sup>45</sup>

Traffickers have resorted to the use of other West African countries routes for the outward journey. This is to avoid the risk of arrest by immigration officers who are said to be more vigilant at the Nigeria Airport. In a report by Oditia,<sup>46</sup>

*Two Spain bound girls suspected to be on a prostitution mission were arrested by Nigerian Immigration Service (NIS) at the Murtala Mohammed Airport Lagos on the 25<sup>th</sup> of August 2005. The two girls from Edo State in Nigeria who claimed they were going for their masters program, gave themselves away when they could not give the names of the Vice Chancellors of the Universities they graduated from in Nigeria, did not know their University matriculation numbers, and could not satisfy the immigration officers about where they did their National Youth Service Corp. On realizing that the game was up, one confessed that she was a petrol attendant and the other a sales clerk.*

<sup>44</sup> Supra. See note 4

<sup>45</sup> Kelly, Liz (2002) *Journeys of Jeopardy: A Commentary on Current Research on Trafficking of Women and Children for Sexual Exploitation within Europe*. Paper commissioned by the IOM Research and Publications 2002 <http://www.belgium.iom.int> retrieved April 14 2008

<sup>46</sup> *The Guardian*, Monday September 5, 2005

<sup>42</sup> [http://transcripts.cnn.com/TRANSCRIPTS/0609/16/1\\_if.01.html](http://transcripts.cnn.com/TRANSCRIPTS/0609/16/1_if.01.html) Inside Africa September 16 2006 retrieved April 14 2008

<sup>43</sup> <http://allafrica.com/stories/200708030320.html> Giant Strides against Human Trafficking retrieved April 14 2008

In a heart-rending account of one of such journeys, a Senior Secondary student who was a victim of child trafficking narrated the horror of such a journey.<sup>47</sup> According to her,

*She and her mother were introduced to a trafficker by her sister. The trafficker promised that he would assist her to travel to Europe to work and earn money. From the southern part of Nigeria, which is her normal place of abode, she was taken to the Midwestern part of Nigeria and handed over to the man who had many girls and boys for the same mission. From Benin, they all traveled to the northern part of the country, then outside the country into the Niger Republic. They traveled to Algiers, en-route to Morocco and spent four days in the desert. According to her, they were neither given food or water and they had to drink their urine for sustenance. On getting to Morocco, they put up in a valley where some of the children died. It was at this point that they were told the nature of the job they were going to do in Europe. The term used was that they were going to "sell tomatoes" a term used for prostitution. On hearing this, she refused to go on with the journey and as punishment she was tied to the stakes for four days without food or water. This form of punishment was called "crocodile tie". As she put it "As God would have it, we were arrested by the police in a town called Costeria in Algeria and deported to Nigeria"*

The victim went back to school.

A Nigerian newspaper reported the case of a trafficker caught and arraigned before a Nigerian court for selling a young Nigerian child in slavery in Morocco.<sup>48</sup> In another related story by Akpabio,<sup>49</sup>

*The victim was shown some photographs of beautiful ladies in Europe and was asked if she wanted to be like them. She was informed that it would cost her \$450,000 to procure her travel*

<sup>47</sup> Supra Note 15

<sup>48</sup> Supra Note 27

<sup>49</sup> Supra Note 15

*documents and all other traveling expenses, which she would pay back easily once she gets a job in Europe. The journey to hopelessness started from Nigeria through Republic of Togo to France where she spent four nights before she was taken to Germany. On arrival in Germany, the victim was handed over to a madam who had many girls in sexy outfits and that was where she got to know the nature of job she traveled to Europe for. According to the report, the victim resisted and had all her travel documents seized. She complied with the instructions of the madam and she slept with all sorts of men until she was able to pay back the \$300,000, which was demanded, from her. In her words she said, "It was in November 2004, that I was arrested by the police and detained. I spent two months in remand home and was deported to Nigeria. The immigration officers seized \$2000 I had and was only given \$50 to come back to Nigeria"*

The experiences of children trafficked within Nigeria for purposes of domestic work popularly referred to in Yoruba, as *omodo*, are not better than those of children taken outside the country for similar purposes. In March 2005, the police in Lagos intercepted a container truck traveling from Niger State in Nigeria and on close inspection it was discovered that sixty-seven women and children were cramped together at the back of the truck, which had no window. The human cargos were victims of trafficking.<sup>50</sup> A fourteen-year-old girl victim of trafficking for domestic work narrated her experience at the Juvenile Welfare Court in Lagos.<sup>51</sup> According to the victim, her older brother took her from her Ojota home in Lagos in Nigeria to work as domestic help for a woman in Ajegunle area in Lagos State of Nigeria. Her wages of 4000 naira a month was handed over to her brother. The victim did all the washing of clothing's, dishes and cleaning of the whole house and after repeated warnings that she did not want to stay with the woman who was very hard on her, she ran away and she had since not seen her brother.

<sup>50</sup> Supra Note 15

<sup>51</sup> Supra Note 15

According to an official of the National Agency for Prohibition of Trafficking in Persons (NAPTIP), the running of house help institutions is "a disservice to humanity". The officer further stated that "the question you and I should be asking ourselves is that these group of rich Nigerians who demand for domestic slaves, where are their own children? Are they also into domestic slavery? If not, then, there must be something wrong with such an act". It is apt to state that trafficking for domestic work is a criminal offence by virtue of Sections 23 and 24 of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act<sup>52</sup> and the punishment is imprisonment for life. Where a person is convicted outside Nigeria of trafficking, on his return to Nigeria, shall be liable to be tried in Nigeria and upon conviction shall forfeit his assets to the Federal government in addition to serving a term of imprisonment not exceeding two years. The Federal government and related agencies have taken the issue of trafficking very seriously and offenders when caught are promptly prosecuted.

## 7.0 Effects of Child Trafficking

Trafficking in children has consequences that stay with the individual trafficked and in such nations where they are trafficked from and trafficked to. The consequences on the individual are for far longer periods than the years of childhood and may eventually affect the nation. The effects are on the child and on the nation

### 7.1 The Effects on the Child

#### 7.1.1 Violation of Rights

Child trafficking is a debasement of human dignity and rights. It violates the fundamental rights of persons to life, free association, freedom, and right to grow and play.

<sup>52</sup> Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 50 of 2003.

#### 7.1.2 Health Risks

Many studies document the devastating health effect that trafficking does to the mind of children. There is little or no access to health or medical facilities for trafficked children. According to Olateru-Olagbegi,<sup>53</sup> the situation of trafficked girls is marked specially by the risk of pregnancy and early motherhood. Trafficked children face the risk of sexual assault from male members of the household which may result in pregnancy. Such girls are either encouraged to procure abortion which presently is illegal in Nigeria and usually carried out by quack doctors. Abortion carried out illegally is with attendant complications, which result in reproductive illness or even death. The possibility of contracting sexually transmitted diseases, such as HIV/AIDS is so high for trafficked children with this is coupled with its attendant's problems. It is reported that 60 percent of victims deported to Nigeria have AIDS.<sup>54</sup>

#### 7.1.3 Interpersonal Disorder

Studies have shown that in a situation where children are trafficked from one environment where the child would have loved to be to another, there is a psychological disorder of doubt, mistrust, resulting into rejection and inferiority complex.<sup>55</sup> There is the serious problem of rejection and loss of self-esteem, which trafficked girls face. A child has a right to grow, to play, and interact. However, trafficking isolates a child from family, community and the environment where the child would have loved to be. The vulnerability of these children is even greater when they arrive in another country, where they do not have contact with their families and they are at the mercy of the traffickers.<sup>56</sup>

<sup>53</sup> Supra Note 14

<sup>54</sup> Nigeria: Victims of Human Trafficking Contract AIDS <http://www.gvnet.com/humantrafficking/Nigeria.htm> Retrieved 22 October 2009

<sup>55</sup> Mannarino A.P and Cohen J.A (1996) "A Follow-up Study of Factors that Mediate the Development of Psychological Symptomology in Sexually Abused Girls" *Child Maltreatment* 1 (3) 246 – 260

Trafficking interrupts the passage of knowledge and cultural values from parents to child and from generation to generation weakening a core pillar of most African societies.

Sexually abused children are said to be aggressive and withdrawn than children not abused.

This is also true of trafficked children who have been sexually abused.<sup>57</sup> According to Bagley and Ramsay; there is a relationship between child sex abuse and increased psychopathology.<sup>58</sup>

#### 7.1.4 Psychological problems

The period and process of reintegration is usually traumatic for victims of trafficking. They have to constantly deal with shame and ridicule especially where they are deported and they have nothing to show for the period they were away from home. Victims are also humiliated, isolated and ostracized especially where they have been associated with prostitution.

#### 7.1.5 Denial of necessary skill

Children deprived of a healthy childhood development cannot acquire the skill necessary to compete in their country's labor market. The effect is that such persons are not equipped to compete in the global economy where success is based on skilled workers. The failure to invest in the children will slow a nation's economic growth. Trafficked children are denied access to education. Education is necessary to break the cycle of poverty and illiteracy that make conditions ripe for child trafficking.

<sup>56</sup> Awake Magazine March 8 2000 "Modern Slavery: Its End is Near Pg. 4

<sup>57</sup> Freidrich, W N, Beilke, R.L and Urquinza, A.J (1987) "Children from Sexually Abusive Families: A Behavioral Comparison" *Journal of Interpersonal Violence* 2:391-402.

<sup>58</sup> Bagley C and Ramsey R (1986) Sexual Abuse in Childhood: Psychological Outcomes and Implications for Social Work Practice. *Journal of Social Work and Human Sexuality* 4: 33-47.

## 7.2 — The Effects on the Nation

It is not only the child that suffers from the effect of trafficking. Trafficking in children has its effect on the nation. The nations where children are trafficked from and trafficked to also suffer. Children are the bedrock of the society. Their level of development is an indication of the foundation for development in that society. The effects are two nation are examined below.

### 7.2.1 Security Risks

Trafficking involves a highly developed and sophisticated network. The network is said to involve law enforcement agents, police and embassy officials.

### 7.2.2 Economic Retardation

Trafficking has an effect on the economy of the country of origin as the migration of persons affect the work force of that country thereby causing retardation of economic growth. Failure to invest in the lives, health and education of new generations or to maintain social safety nets for children will slow a nation's economy and undermine the sustainability of advances already made.

### 7.2.3 Undermines Public Health Programs

A trafficked child is denied a healthy childhood development. This defeats governmental efforts to eradicate early childhood diseases. Trafficked children do not participate in the health program designed for children by the government. Therefore they are exposed to health risks in adulthood. This poses problem for the nation in the future.

### 7.2.4 Undermines Governmental Effort to Public Safety

In Nigeria, the war against corruption is a major focus of the present democratic government. Trafficking in children involves bribing of persons and officials at various levels. This undermines the government anticorruption campaign. In the same vein, the kidnapping of children

international newspapers and research works.<sup>64</sup> The social problems children trafficked for prostitution has caused in the destination countries have led to massive deportation. In February 2000, the Saudi Arabian government protested to the Federal government of Nigeria over the influx of Nigerian girls as prostitutes into Saudi Arabia.<sup>65</sup> This is a dent on the image of the Nation. Nigerian today has been dubbed an endemic country in the trafficking of human beings. According to a report,<sup>66</sup> a Citation Index drawn up by UNODC, ranked Nigeria as "very high" as an origin country, and together with Côte D'Ivoire and South Africa, they are frequently cited as destinations for victims trafficked from African countries, bringing with it negative portrayals.

#### 8.0 Combating Child Trafficking in Nigeria

The problem of trafficking is no doubt a complex and grave one. Therefore in the interconnected, interdependent world, it increasingly takes the global village an increased cooperation to combat child trafficking. The effort towards combating this malaise in Nigeria has been a concerted one at the national, regional, and international levels. It is an adoption of a multi-dimension plan of action.

#### 8.1 National Initiatives

In Nigeria, there have been several attempts to protect the child from exploitation through legislation and positive actions and steps.

#### 8.1.1 Legislative Actions

A few of the legislation are listed below

<sup>64</sup>Bamgbose, Olyemisi "Teenage Prostitution and the Future of Female Adolescents in Nigeria". *International Journal of Offender, Therapy and Comparative Criminology*. Volume 46, No 5 (October) p. 569-585  
<sup>65</sup>*National Concord*, February 21, 2000  
<sup>66</sup>Supra see note 4

for purposes of trafficking undermines governmental effort to protect life.<sup>59</sup>

#### 7.2.5 Social Disintegration

Care giving and childcare are shared parental, family, social and governmental responsibilities.<sup>60</sup> Research and studies have revealed that dysfunctional families contribute to the individual alienation and a range of social problems. The disintegration of families has serious effect on the nation. The trauma from separation, coupled with sexual abuse and depression associated with trafficking often lead to psychological conditions, which may eventually lead to crime.<sup>61</sup>

#### 7.2.6 Dent on the Image of the Nation

The image of any nation is an important factor in the economic growth of the country from where the children are trafficked from and that of where they are trafficked. This is particularly the case in Nigeria, where it is noted that children, especially girls from particular regions of the country are trafficked for purposes of prostitution. Edo State had been tagged the hub of human trafficking and breeding ground for sex workers by experts. The development prompted the federal government to establish the NAPTRIP with its zonal headquarters in Benin.<sup>62</sup> About 90 percent of the number trafficked for prostitution is from Edo State.<sup>63</sup> This is not good for the image of the State. The embarrassment that trafficking has caused to nation are documented in national and

<sup>59</sup> Afonja, Simi "IOM Assessment of Trafficking in Persons in Nigeria" *African Security Review*, Volume 12, No 1, 2003  
<sup>60</sup> Goonesekere, S. (2000) "Human Rights as a Foundation for Family Law Reform" *The International Journal of Children's Rights* 8: 83 - 99.  
<sup>61</sup> Supra See Note 28  
<sup>62</sup> *Daily Champion* (Lagos) 24 September 2007 Vincent Adekoye  
<http://allafrica.com/stories/200709241197.html> Retrieved April 4 2008

- i. **The Children and Young Persons Act**<sup>67</sup>
- ii. **The Labor Act.**<sup>68</sup> This Act condemns exploitation of any form and prohibits employment that is dangerous or immoral
- iii. **The Criminal Code Act.**<sup>69</sup> The Act is applicable to the Southern states of Nigeria. The Act forbids certain acts which if committed will be a crime. Such acts include indecent treatment of a child and exposure of a child to any act in a manner likely to cause grievous harm.
- iv. **The Penal Code Act.**<sup>70</sup> This Act is applicable to the Northern states of Nigeria and it prohibits forced labor.
- v. **Child's Rights Act.**<sup>71</sup> This Act is one of the most recent legislations relating to the welfare of the child in Nigeria. In Part 3 of the Act, sections 21 – 40 prohibit forced or exploitative labor, prohibits buying, selling, hiring or dealing in children for purposes of hawking, begging for alms, or prostitution, domestic or sexual labor, prohibit abduction, removal and transfer of child from lawful custody, prohibit a child being used as a slave or practices similar to slavery.
- vi. **The Trafficking in Persons (Prohibition) Law Enforcement Administration Act**<sup>72</sup> The Act prohibits any act of trafficking and it defines trafficking in person. It is a collation of all laws on human trafficking, which hitherto were scattered in various legislation. The Nigerian government gave a backing to the 2004 law by establishing a National Agency for trafficking in Person and Child Abuse. The President of the Federal Republic

<sup>67</sup> Children and Young Persons Act Chapter 32 Laws of the Federation of Nigeria and Lagos (1958).

<sup>68</sup> Labour Act Chapter 198 Laws of the Federation of Nigeria (1990)

<sup>69</sup> Criminal Code Criminal Code Act. Laws of the Federation of Nigeria (2004)

<sup>70</sup> Penal Code (Northern States) Act. Chapter 346 Laws of the Federation of Nigeria (1990).

<sup>71</sup> Supra Note 6

<sup>72</sup> Supra Note 50

of Nigeria signed the law establishing this Agency on 14 July 2004. This created a legal instrument to apprehend and prosecute offenders involved in trafficking. Nigeria is the first African country to enact such a law and establish a specific agency to implement it. The effort put in by the country has been recognized in the areas of investigation, prosecution of traffickers, public enlightenment and rehabilitation of victims. Nigeria was promoted from the 2nd Tier Watch list to 2nd Tier List in the global rating of human trafficking in endemic nations. It is said that "this promotion is important to us because it has removed us from the threat of possible sanctions by the United States Government. This means that United States government can give us assistance directly without passing through the Congress."<sup>73</sup>

- vii. **The 1999 Constitution of the Federal Republic of Nigeria**<sup>74</sup> The Constitution is the supreme law of the land and by virtue of chapter 4, it provides that all persons (emphasis mine) are entitled to the rights listed in that part of the Constitution.

<sup>73</sup> Supra see note 4

<sup>74</sup> Supra see Note 5



### 8.1.2 Judicial Interventions

NAPTIP's intervention has been in prosecuting traffickers, and it has secured conviction in cases proved before the court.

In Nigeria, the courts have reiterated that all efforts will be made to stamp out this social ill from the society. In a report by Olayinka,<sup>75</sup> a trial judge convicted two men to various jail terms for human trafficking. The men were found to have procured four young girls from Togo and Ghana to be unlawfully assaulted contrary to The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act.<sup>76</sup> According to the report, the Judge stated that, the sentence was to serve as deterrent to others contemplating such misadventure,

### 8.1.3 Capacity Building

Government has embarked on training of officers for effective monitoring of work conditions that encourages trafficking and child labor. According to Makanjuola the Federal Ministry of Labor, Employment and Productivity initiated the program especially to monitor work conditions in highly invisible informal sectors.

### 8.1.4 Impact of Non Governmental Organization (NGOS)

There are concerted efforts by NGOS in Nigeria to stop trafficking in children. There are many NGOS involved in addressing the issue of trafficking in Nigeria. A few of these NGOS are highlighted below:

#### i. Women Trafficking and Child Labor Eradication Foundation (WOTCLEF)

It is responsible for education, awareness, checks, and prosecution of offenders and assistance of victims. WOTCLEF spearheaded the Bill on Trafficking, which has now passed into law to the National assembly and was instrumental to the establishment of the National Agency for Traffic in Person and

<sup>75</sup> Olayinka, Collins (2006) "Court Jails two for Human Trafficking" The Guardian, Thursday, January 5, 2006

<sup>76</sup> Supra See note 50

Child Abuse. The first Pan African Conference held and hosted by Nigeria in February 2001 was organized by the WOTCLEF. The Foundation was granted special status by the United Nations.

#### ii. Coalition against Human Trafficking and Sexual Exploitation of Children (CAHTSEC)

It has been responsible for awareness programs on human trafficking, advocacy on trafficking matters and prevention.

#### iii. The Women's Consortium of Nigeria (WOCON)

a. It is committed to the enforcement of women's rights and the attainment of equality, development and peace.

#### iv. Amnesty International

The organization is involved in research and action in preventing and ending abuse.

#### v. The United Nations Children's Fund (UNICEF)

UNICEF is an international organization that believes that the protection of children is crucial to their survival, health, and well being.

#### vi. Voice of Women in Nigeria

This NGO was instrumental to the arrest of some traffickers. After a report by a community leader to the NGO of the activities of traffickers, the NGO discovered the existence of a slave camp and reported their findings to the police who swung into action arresting the traffickers and rescuing the children.<sup>77</sup>

### 8.1.5 Activities of Industrial Unions

Trafficking is a problem that has to be combated by every sector of the society. Industrial Unions in Nigeria have risen up to the task. According to a television report<sup>78</sup> the members of the National Union of Road

<sup>77</sup> Toye, Olori Labor: Nigeria, Benin Join Forces to Fight Child trafficking <http://ipsnews.net/interna.asp?idnews=20511> Retrieved May 10 2008

<sup>78</sup> Ndaguba, Carol (NTA News at 9PM on 13-2-2006)

Traffic Workers (NURFW) intercepted traffickers embarking on a journey with some young girls. There is no doubt that road transportation is one of the means used by traffickers to move the children out of Nigeria. The union members arrested the traffickers and they were taken with the children to the National Agency for the Prohibition of Traffic in Persons.<sup>7</sup>

The impact of NGO's and the unions in the effort to stem out trafficking in Nigeria is highly commendable.

## 8.2 Regional Initiatives

There are concerted efforts with other nations in Africa to eradicate child trafficking. Studies have revealed that many African nations are sources for trafficked children therefore these regional initiatives are very important. Some of the initiatives are discussed below

### 8.2.1 Memorandum of Understanding (MOU)

Nigeria signed an MOU with the Republic of Benin, on August 14, 2003. Republic of Benin shares a common border with Nigeria. The MOU entails joint investigation and prosecution of cases, sensitization as well as repatriation of victims. The MOU was signed because the Republic of Benin is an important source country for many children drafted into child labour.

### 8.2.2 First Pan African Conference on Human Trafficking

On 20 February 2001, Nigeria hosted the First Pan African Conference on Human Trafficking. The President of the Federal Republic of Nigeria declared the conference opened. The conference aimed at evolving an African regional initiative against human trafficking, also advocated for the rehabilitation and re-integration of victims of the illicit trade. The conference urged African governments and non-government organizations to take decided action in combating the evil crime by whatever means, and to pursue the protection of the human rights of victims of trafficking.

The participants, including experts and organizations from various parts of the African continent, called for international cooperation in the prosecution of traffickers and the repatriation of their victims.

8.2.3 • *ECOWAS/ECCAS Regional Cooperation on Human Trafficking*  
In June 2006, the joint ECOWAS/ECCAS regional cooperation on human trafficking was signed by 26 countries in West and Central Africa in Abuja, to fight the trans-border crime.<sup>79</sup>

### 8.2.4 Closure of the Nigeria – Benin Republic Border

The closure of the Nigeria – Benin Republic border on August 11 2003 by the Nigerian government was a regional move to look into the incessant cross border crimes one of which is human trafficking.<sup>80</sup>

### 8.2.5 The Return of the Trafficked Children to their Country

In a move to stamp out trafficking of children from neighboring countries into Nigeria, the Inspector General of Police was instructed by the President of the Federal Republic of Nigeria to return children from the Republic of Benin to their government after they were intercepted at the Nigerian border.<sup>81</sup>

### 8.2.6 Signing of the Organization of African Unity (OAU) Charter on the Welfare of the Child and the African Charter on Human and Peoples Rights

Another move at the regional level is the signing of the Organization of African Unity (OAU) Charter on the Welfare of the Child and the African Charter on Human and Peoples Right by many countries in

<sup>79</sup>Nigeria/West Africa: *Human Trafficking Daily Champion*, Sep 21, 2006 <http://www.champion.com> Retrieved 10 April 2008.

<sup>80</sup> *Vanguard Newspaper*, August 2003.

<sup>81</sup> *Vanguard Newspaper* (2003) Friday, October 17, 2003; See also Olori, Toyé "Labor: Nigeria and Benin Team up to Fight Child Sex Trade," *Inter Press Service*, 8 October 2003.

Africa. The African Charter has been domesticated in Nigeria with the enactment of The African Charter on Human and Peoples Rights Act.<sup>82</sup> The African Charter is an initiative of the African States to protect the rights of persons within the region. Specifically in relation to children, Article XV is instructive.

### 8.3 International Initiatives

Trafficking in person touches many countries around the globe. Therefore global cooperation is essential in curbing it. The international character of this heinous crime means that countries of origin, transit and destination must work in partnership to prevent trafficking, protect the victims and punish those that are responsible for trafficking.

Nigeria is unrelenting in its commitment to partner with other countries of the world in fighting human trafficking. Some of the international initiatives are discussed below.

#### 8.3.1 Legislative Actions

There are international laws and instruments aimed directly and indirectly at eradicating trafficking. Nigeria is a signatory to a number of Conventions on and related to trafficking. These include the following

- i **The United Nations Convention of the Rights of the Child (CRC 1989).**<sup>83</sup> Nigeria ratified it on 19 April 1991. It has now been domesticated into a national law known as the Childs Rights Act of 2003
- ii **Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor** signed June 17 1999 (ILO Convention 182)<sup>84</sup>

<sup>82</sup> African Charter on Human and Peoples Rights (Ratification and Enforcement) Act Cap 9 LFN 1990.

<sup>83</sup> The United Nations Convention of the Rights of the Child (CRC 1989). UN Doc. A/44/49 (1989), entered into force Sept. 2

<sup>84</sup> Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor signed June 17 1999 (ILO

- iii **The United Nation Convention, against Transnational Organized Crime** was adopted by the General Assembly in November 2000. It is supplemented by two Protocols. The one on trafficking in Persons is the United Nations Protocol to Prevent and Suppress and Punish Trafficking in Persons especially Women and Children.<sup>85</sup> It was adopted in December 2000 to combat cross border trafficking through judicial means. Nigeria is a signatory to the Protocol and it has taken a giant step by domesticating the law on human trafficking with the enactment of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act.<sup>86</sup>
- iv **The Convention on the Elimination of all forms of Discrimination Against Women.**<sup>87</sup>

#### 8.3.2 Pacts

In 2000, the Nigerian government signed a Pact with the International Labor Organization. The Pact is intended to curb the rising rate of child labor in the country particularly the house girl syndrome.<sup>88</sup>

#### 8.3.3 Memorandum of Understanding (MOU)

In November 2003 a MOU was signed between the Government of Nigeria and that of Italy in Abuja, Nigeria to improve cooperation between the two countries in combating trafficking. In January 2004, the second part of the MOU was signed in Italy.

In November 2004, Nigeria signed a Memorandum of Understanding (MOU) with the United Kingdom and Northern Ireland to ease the

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Convention 182) Nigeria ratified the Convention on June 13 2001. The Guardian, June 2001).

<sup>85</sup> United Nations Protocol to Suppress and Punish Trafficking in Persons Especially Women and Children (2002).

<sup>86</sup> Supra see note 50

<sup>87</sup> The Convention on the Elimination of all Forms of Discrimination against Women. This Convention was entered into force in September 1981. Nigeria is a signatory and ratified it on 13 July 1985

<sup>88</sup> Saturday Punch Newspaper. Saturday, February 10, 2001. Punch Nigerian Limited Lagos

prosecution of traffickers while aiding British authorities in limiting

illegal immigration.<sup>89</sup>

#### 8.3.4 Joint Initiative

This is a joint initiative of Interregional Crime and Justice Research Institute and the United Nations Office of Drug and Crime (UNODC) funded by the Italian Ministry of Affairs. The major objective of the program is to contribute to the implementation of effective policies in the field of criminal justice and prevention to curb human trafficking practices. This agreement is said to be very significant since it was the first to comprise commitment relating to the welfare and social reinsertion of trafficked victims.<sup>90</sup>

#### 8.3.5 The United States Government's International Anti-Trafficking in Persons Initiatives

Between 2000 and 2001 under the United States Government's International Anti-Trafficking in Persons Initiatives, Nigeria benefited from an assistance project from the United States government in respect of trafficked women and children.<sup>91</sup> In cooperation with several United Nations agencies, this project focused on returning Nigerian women and minors trafficked to Europe for purposes of prostitution. This project assisted the Federal Government of Nigeria, and the Edo and Lagos States, acquire the capacity to combat trafficking in women and minors,

<sup>89</sup> Afro News 17 November 2004 "Nigeria to Fight Human Trafficking <http://afro.comarticle.com>; Retrieved 10 April 2008

see also Nwogu, Vicky "Trafficking of Persons to Europe: the Perspective of Nigeria as a Sending Country" paper presented at the ASI & OIKOS Conference on: Trafficking and Migration: a Human Rights Approach 4<sup>th</sup> - 5<sup>th</sup> March 2005 at the British Council, Lisbon, Portugal

<sup>90</sup> Cortemiglia, Vittoria (2003) UNICRI Desk Review Programme of Action against Trafficking in Minors and Young Women from Nigeria into Italy for the Purpose of Sexual Exploitation [http://www.unicri.it/wvd/trafficking/micrta.doc/dr\\_italy\\_eng](http://www.unicri.it/wvd/trafficking/micrta.doc/dr_italy_eng) Retrieved 5 April 2008

<sup>91</sup> See also <http://www.state.gov/g/tp/its/fs/2001/4051.htm> Retrieved 7 April 2008

prevent transmission of HIV/AIDS and other STDs in trafficking-affected areas, assisted persons in returning to their communities, and helped persons living with those infections.<sup>92</sup>

8.3.6 Council of Europe Convention on Action against Trafficking in Human Beings. Another international effort in combating child trafficking is the entering into force of the Council of Europe Convention on Action against Trafficking in Human Beings.<sup>93</sup> The Europe Convention aims to prevent trafficking, protect the human rights of victims and prosecute traffickers. The Convention has many features which will help other countries tackle the problem of child trafficking

#### 8.3.7 International Arrest of Traffickers

An example of international cooperation was reported in the newspaper. The news was titled "Nigerians Arrested, Accused of Trafficking Women for Prostitution in Europe" Italian and Dutch authorities on Tuesday January 15 2008, arrested dozens of Nigerians accused of smuggling their compatriots, some as young as 15, into Europe to work as prostitutes and drug traffickers.<sup>94</sup>

#### 9.0 Recommendations

There is no doubt from the above that efforts are being made at all levels to stamp out this heinous and modern form of slave trade. Nigeria had been promoted from the 2nd Tier Watch list to 2nd Tier List in the global rating of human trafficking in endemic nations since Nigeria remains a source, transit and destination country. The grading recognizes the level of effort put in by countries to fight trafficking in persons and

<sup>92</sup> Fact Sheet, Bureau for International Narcotics and Law Enforcement Affairs Washington, DC July 12, 2001

<sup>93</sup> Convention on Action against Trafficking in Human Beings CRTS No.: 197 which entered into force on 1/2/2008

<sup>94</sup> FOX News.COM Tuesday January 15 2008

child labor.<sup>95</sup> However there are still issues that must be addressed to meet the challenges arising from this practice. These are highlighted below

### 9.1 *National Priorities for Human Rights and Sustainable Development*

There is the need for decision makers to place the abolition of forced labor high on national priorities for human rights and development. Poverty reduction strategies and processes should be emphasized. The UNICEF Deputy Representative at an event to mark the 2005 children's day was reported to have said that "education of girls especially, is a progressive step towards eliminating poverty, advancing sustainable human development and controlling disease"<sup>96</sup>. The government must therefore ensure the success of poverty eradication schemes, which are being established in the nation

### 9.2 *Enhanced Global Alliance*

There is need for enhanced global alliance to combat the menace of child trafficking. The effort of the United States government in this direction is commendable. The Trafficking Victims Protection Reauthorization Act (TVPRA) signed by President Bush addresses the problem of trafficking from a global perspective. At the signing of the Act, President Bush noted the fact that "thousands of teenagers are brought into the United States every year where they are forced to submit to unspeakable evils" and "the duty to reach out to victims of trafficking, some of whom are smuggled into this country as children" and the need to "provide important services to these victims, including appointing a guardian for young victims and providing access to

<sup>95</sup>*Daily Champion* August 18, 2006

<http://www.state.gov/g/tip/rfs/2001/4051.htm> Retrieved March 20 2008

<sup>96</sup>Oyekanmi, R.L. "UNICEF Calls for Accelerating Progress on Girls Education" *The Guardian Newspaper*, Thursday, June 2, 2005 p. 43.

residential treatment facilities to help victims get a chance at a better life"<sup>97</sup>

In Demark, effort is being made to curb child trafficking through the tourism industry. A Code of Conduct is therefore made to take action against sexual exploitation of children in tourism.

The Code of Conduct has been produced and is being circulated in a CD-ROM named as "Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism and produced in about thirteen languages."<sup>98</sup>

### 9.3 *Enforcement of Law*

Nigeria has enacted laws to tackle child trafficking. It is recommended that these laws should be enforced. The National Agency for the Prohibition of Trafficking in Person and other Related Matters (NAPTIP) has intensified efforts to eradicate this social problem by ensuring that the courts prosecute persons caught for trafficking in human beings. According to one of the officers of the agency, as at January 2006, the agency had recorded a number of convictions.<sup>99</sup> It is however suggested that the Agency should be adequately funded and the officers properly trained.

### 9.4 *Provision of Rehabilitation Programs for Victims*

One reason why child trafficking continue to thrive is because victims of trafficking perceive that they have no hope if they opt out of the condition they find themselves. It is however recommended that the government and NGOS should put in place rehabilitative programs for victims of trafficking to enable them integrate back into the society and be self-supportive. According to a report NAPTIP is making effort in

<sup>97</sup>U.S. Determined To Fight Trafficking, Bush Says, Signing New Law <http://usinfo.state.gov/gi/Archive/2006/Jan/11-191763.html> Retrieved April 4 2008

<sup>98</sup>*Youth Travel International* September, 2003 Issue no 32 Published by FIYTO-The Federation of International Youth Travel Organization Copenhagen K. Denmark. Pg 13 [www.thecode.org](http://www.thecode.org) Retrieved March 20, 2008.

<sup>99</sup>The Guardian, January 5, 2006

ensuring that children who are rescued from traffickers are fully reintegrated.<sup>100</sup> According to the report, some children rescued from traffickers by the road transport union workers and handed over to the Agency, were taken by the Director General of the Agency and handed over to the traditional ruler in charge of the community to which the children belonged. The effect of this act is that there would be close supervision and monitoring of the children and their family so that they would not be victims of trafficking again. The new trafficking law in the United States of America, the TVPRA, signed by President Bush which is aimed at rehabilitating the victims of trafficking, is commendable.

### 9.5 Provision of Enlightenment Provisions

Ignorance on the part of trafficked children and members of their families is a reason while trafficking is still on the increase. The advice given to parents and guardians generally by the Nigerian High Commissioner to The Gambia on eliminating trafficking is hereby recommended.<sup>101</sup> This is to the effect that parents and guardians should be wary of the trade called "Trips Abroad". The High Commissioner further appealed to parents to be careful of whom they send their children with to other countries. It is therefore suggested that there should be enlightenment programs suitable for all categories of persons within the country emphasizing the problems and pitfalls of trafficking. Particular attention should be given to people in the rural areas.

The efforts by NGOS in Denmark are worthy of note. In the bid to put a stop to child trafficking in travel and tourism, publications, brochures, posters, flyers, luggage tags, ticket folders in different languages are distributed to travelers and tourist to enlighten them of the dangers.<sup>102</sup>

<sup>100</sup> Supra see Note 76

<sup>101</sup> Akpodonor, G. "Flights to Nowhere" The Guardian Newspaper, Saturday, June 4, 2005 p. 8-9.

<sup>102</sup> Supra see note 96

### 10.0 Conclusion

For the gravity of trafficking to be fully recognized and acknowledged by all, authorities concerned, government and law enforcement agents must be prepared to combat trafficking more vigorously and at the same time, provide adequate protection to the victims of trafficking. At present, the combined effort of all States is highly commendable. Greater technical and financial assistance will still have to be given to developing countries from where the majority of the victims come from. As Knutsson rightly stated, "Ultimately it might be the powerless child that will have the power to make this earth a safer and better planet for life in all its many forms"<sup>103</sup>

The journey of a trafficked girl might have started with very high hopes, turned into one of hopelessness, a holistic approach in tackling this problem, will give the child a new hope and a bright future as Carol Bellamy<sup>104</sup>

*"Zero tolerance means ending the trafficking of children, their sale and barter and imprisonment, and torture."*

<sup>103</sup> Knutsson Karl Eric (1996) "Children and the Future: Worthy Causes or Worth Citizens" *Development Journal of the SID* 1996:1 12 - 17

<sup>104</sup> Bellamy Carol. UNICEF Press Release "UNICEF calls for eradication of commercial sexual exploitation of children" 12 December 2001 <http://www.unicef.org/newsline/01pr97.htm> Accessed 29 March 2008